

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Milton Ciplet, Individually and on behalf of all  
Others similarly situated,

Plaintiff,

-against-

JP Morgan Chase & Co. and J.P. Morgan  
Securities, Inc.,

Defendants.

Civil Action No. 08-CV-4580 (RMB)

MARK SCHARFF, PINE SASH DOOR &  
LUMBER CO., INC., MARK SCHARFF &  
ASSOCIATES LLC, 2170 MILL AVENUE  
LLC, 6202-6217 REALTY LLC, MARK  
SCHARFF ITF MICHAEL SCHARFF,  
MARK SCHARFF ITF DANIEL SCHARFF  
and MARK SCHARFF ITF ARIEL SCHARFF,

Plaintiff,

vs.

JPMORGAN CHASE BANK & CO., J.P.  
MORGAN SECURITIES, INC., AND  
CHASE INVESTMENT SERVICES CORP.

Defendants

Civil Action No. 08-CV-5026 (WHP)

**MOTION OF ROBERT H. SHENKER AND DAVID NIERENBERG  
FOR CONSOLIDATION, APPOINTMENT AS  
LEAD PLAINTIFF AND APPROVAL OF SELECTION OF LEAD COUNSEL**

PLEASE TAKE NOTICE that Robert H. Shenker and David Nierenberg, members of the proposed class, upon the Declaration of James Henry Glavin IV, dated August 4, 2008, and the exhibits annexed thereto, the accompanying Memorandum of Law, all of the prior pleadings and proceedings had herein, and such other evidence as the Court may consider at the hearing on this motion, hereby respectfully move this Court, by their counsel, for an order in the form filed herewith: (1) consolidating the above-captioned actions; (2) appointing them as Lead Plaintiff pursuant to the Private Securities Litigation Reform Act of 1995 (the “PSLRA”); and (3) approving their selection of Stull, Stull & Brody and Weiss & Lurie as Lead Counsel.

Dated: August 4, 2008

Respectfully submitted,

**STULL, STULL & BRODY**

By: /s/ James Henry Glavin IV  
Jules Brody (JB-9151)  
James Henry Glavin IV (JG-2188)  
6 East 45<sup>th</sup> Street  
New York, New York 10017  
(212) 687-7230

**WEISS & LURIE**

Jordan L. Lurie  
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Suite 2300  
Los Angeles, California 90024  
(310) 208-2800

**Proposed Lead Counsel**

**UNITED STATES DISTRICT COURT  
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Plaintiff,

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JPMORGAN CHASE BANK & CO., J.P.  
MORGAN SECURITIES, INC., AND  
CHASE INVESTMENT SERVICES CORP.

Defendants

Civil Action No. 08-CV-5026 (WHP)

**[PROPOSED] ORDER GRANTING THE MOTION  
OF ROBERT H. SHENKER AND DAVID NIERENBERG  
FOR CONSOLIDATION, APPOINTMENT AS LEAD  
PLAINTIFF AND APPROVAL OF SELECTION OF LEAD COUNSEL**

Having considered the motion(s) and supporting papers filed by the movant(s) for appointment as Lead Plaintiff and approval of selection of Lead Counsel in the above-captioned actions, and for good cause shown:

**IT IS HEREBY ORDERED THAT:**

1. The Motion of Robert H. Shenker and David Nierenberg for Consolidation, Appointment as Lead Plaintiff, and Approval of Selection of Lead Counsel is **GRANTED**.
2. The above-captioned actions arise out of common alleged facts and claims against JPMorgan Chase & Co. and certain of its affiliates. Accordingly, they are hereby consolidated pursuant to Rule 42(a) of the Federal Rules of Civil Procedure.
3. Robert H. Shenker and David Nierenberg are **APPOINTED** Lead Plaintiff pursuant to Section 21D (a)(3)(B) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 ("PSLRA").
4. The law firms of Stull, Stull & Brody and Weiss & Lurie are **APPOINTED** to serve as Lead Counsel pursuant to Section 21D(a)(3)(B) of the Exchange Act, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the PSLRA.

**SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008:

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U.S.D.J.